

## **REMARKS**

Reconsideration of this application, as amended, is respectfully requested. Claims 1-73 and 75-84 are pending. Claims 1-73 and 75-84 stand rejected.

Claims 1, 11, 28, 37, 42, 47, 52, 57, 61, 65, and 69 have been amended. Claims 5, 15, 24, 32, 41, 46, 51, 56, 58, 62, 66, and 70 have been cancelled. No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicants submit that the amendments do not add new matter.

### **Rejections Under 35 U.S.C. § 102**

Claims 1-73 and 75-84 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Foreman et al., of U.S. Patent No. 6,628,303 B1, (“Foreman”).

Applicant has amended claim 1 to indicate that presenting on the display at least one enabled control element to edit the information is performed while the time based stream of information is imported into the system.

Foreman discloses a graphical user interface having a plurality of alternatively selectable interfaces providing different functions. The interface 54 shown in Figures 4 and 8 provides commands for capturing a motion video into the computer system (col. 9, lines 24-50). Another selectable interface 56 shown in Figures 4 and 9 provides functions for editing a motion video (col. 11, line 3- col. 12, line 26). Importantly, Foreman discloses

After clips for a movie have been captured, more finely detailed editing of the video program can be started. Accordingly, another of the selectable interfaces 56 provides functions for editing a movie, as shown in FIG. 9 via several selectable interfaces 152-156.

( Foreman, col.11, line 3-8) (emphasis added).

Foreman further discloses

Each of the selectable interfaces of the editing interface has a viewer window 172, which has the same size and location within each window. The viewer window 172 also has an associated timeline 174, representing the entire video program, which includes a play button 176, forward and backward skip buttons 178 and 180, and a position indicator 182, which points to the present position within the video program which is being played back. The indicator 184 is linked to another position indicator 186 in the timeline region 160. The various buttons 176, 178, 180 and indicator 182 can be used to control viewing of the video program being edited. The program can be played back at a full rate, paused to show a still frame and shuttled to view individual frames to the left and/or right at a number of speeds.

( Foreman, col. 11, line 33-46)

Thus, Foreman merely discloses presenting an editing interface on the display with a viewer window, which displays an already captured video program, in contrast to presenting at least one enabled control element to edit the information and the capture information on the display while the capture information (the time based stream of information) is imported into the system, as set forth in amended claim 1. As such, Foreman fails to disclose the limitations of amended claim 1 of presenting on the display the capture information and at least one enabled control element to edit the information while the time based stream of information is imported into the system.

Therefore, Applicant respectfully submits that amended claim 1 is not anticipated by Foreman under 35 U.S.C. 102§(e).

Because amended independent claims 11, 20, and 28 contain at least the limitations discussed above with respect to amended claim 1, Applicant respectfully submits that amended claims 11, 20, and 28 are likewise not anticipated by Foreman under 35 U.S.C. 102§(e).

Given that claims 1-4, 6-10, 12-14,16-19, 21-23, 25-27, 29-31, and 33-36 depend, directly or indirectly from respective independent claims 1, 11, 20, and 28, and add additional limitations, Applicant respectfully submits that claims 1-4, 6-10, 12-14,16-19, 21-23, 25-27, 29-31, and 33-36 are likewise not anticipated by Foreman under 35 U.S.C. 102§(e).

Applicant has amended claim 37 to indicate that the capture information is displayed at the same rate or substantially the same rate as the transfer rate for the time based stream of information using an interrupt procedure.

As set forth above, Foreman merely discloses that interface 54 providing commands for capturing motion video includes a display area 120, which displays motion video information currently being received by the computer as an input ( Figures 4 and 8, col. 9, lines 25-30), and does not disclose displaying the captured information at the same rate or substantially the same rate as the transfer rate for the time based stream of information, as recited in amended claim 37. Importantly, Foreman merely discloses that when the user finished capturing the information, the stop button is depressed and the data file on the hard disk is closed (col. 10, lines 20-25), in contrast to using an interrupt procedure to display the captured information at the same rate or substantially the same rate as the transfer rate for the time based stream of information, as recited in amended claim 37. As such, Foreman fails to disclose the limitations of amended claim 37 of that the capture information is displayed at the same rate or substantially the same rate as the transfer rate for the time based stream of information using an interrupt procedure.

Therefore, Applicant respectfully submits that amended claim 37 is not anticipated by Foreman under 35 U.S.C. 102§(e).

Because amended independent claims 42, 47, 52, 57, 61, 65, and 69 contain at least the limitations discussed above with respect to amended claim 37, Applicant respectfully submits that amended claims 42, 47, 52, 57, 61, 65, and 69 are likewise not anticipated by Foreman under 35 U.S.C. 102§(e).

Given that claims 38-40, 43-45, 48-50, 53-55, 59-60, 63-64, 67-68, and 71-72 depend, directly or indirectly from respective independent claims 42, 47, 52, 57, 61, 65, and 69, and add additional limitations, Applicant respectfully submits that claims 38-40, 43-45, 48-50, 53-55, 59-60, 63-64, 67-68, and 71-72 are likewise not anticipated by Foreman under 35 U.S.C. 102§(e).

With respect to previously presented independent claim 73, as discussed herein above, Foreman merely discloses presenting an editing interface on the display with a viewer window, which displays an already captured video program (col. 11, lines 3- 45) in contrast to presenting a captured time based stream of information in the editing window while the time based stream of information is acquired from the information source in the capture mode, as recited in previously presented claim 73.

Therefore, Applicant respectfully submits that previously presented claim 73 is not anticipated by Foreman under 35 U.S.C. 102§(e).

Because previously presented independent claims 76, 79, and 82 contain at least the limitations discussed above with respect to claim 73, Applicant respectfully submits that claims 76, 79, and 82 are likewise not anticipated by Foreman under 35 U.S.C. 102§(e).


Given that claims 75, 77-78, 80-81, and 83-84 depend, directly or indirectly from respective independent claims 73, 76, 79, and 82, and add additional limitations, Applicant respectfully submits that claims 75, 77-78, 80-81, and 83-84 are likewise not anticipated by Foreman under 35 U.S.C. 102§(e).

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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By:   
James C. Scheller, Jr.  
Reg. No. 31,195

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300